



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Conduct a Public Hearing to consider adoption of a Resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2009.

**MEETING DATE:** November 5, 2009

**PREPARED BY:** Community Development Department

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**RECOMMENDED ACTION:** Conduct a Public Hearing to consider adoption of a Resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2009.

**BACKGROUND INFORMATION:** On February 21, 2001 the City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The Plan included a schedule of fees to be paid by landowners who propose to develop their properties with non-agricultural uses. These fees are used to mitigate the cumulative impacts of new development on habitat lands within Lodi and the rest of San Joaquin County.

According to the San Joaquin Council of Governments (SJCOG), it is necessary for all jurisdictions covered by the Plan to adopt the annual Habitat Conservation Plan (HCP) fees in order for those jurisdictions to continue to participate in the Plan. SJCOG prepared a SJMSCP Financial Analysis Update in 2006 that provided the justification for a significant fee increase in 2007. The Financial Analysis Update also established a formula method that provides for future annual adjustments of the fee schedule based on the established criteria. Utilizing this formula, the SJCOG has established a new fee schedule for 2009 (attachment). For 2009, the fees for all categories of habitat land have increased. Open Space lands and Agriculture/Natural lands (the two largest categories) have increased 14.4%. **Fees for Vernal Pool habitat lands have increased 15.4% for Vernal Pool (grasslands) and 10.2% for Vernal Pool (wetted lands).** An explanation of the analysis methodology is included in the SJCOG staff report (attachment).

On September 25, 2008 the SJCOG Board unanimously approved the 2009 HCP fees. All local jurisdictions are now being asked to adopt the new fee schedule that will take effect on January 1, 2009. Given that these development fee changes will take effect on January 1, 2009, it is essential that the City adopt the new fees at the earliest possible date in order for the City to remain a participant in the Plan. With the adoption of this fee schedule, the fee per acre will be \$7,052 for Multi-Purpose Open Space land; \$14,104 for Natural and Agriculture land; and \$40,565 for Grassland Vernal Pool land and \$78,353 for Wetted Vernal Pool land. The fees will be paid by landowners covered by the Plan who develop their properties with projects that are subject to the HCP fees.

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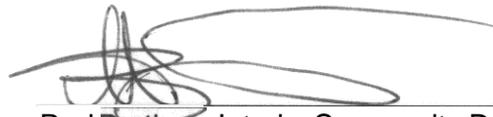
APPROVED: \_\_\_\_\_

  
Blair King, City Manager

For future fee revisions, staff is recommending that the City Council consider revising the language in the City's Habitat Ordinance to permit an automatic fee adjustment based on the fee schedule recommended by the SJCOG. This would allow the City to adopt the new fee schedule in a timely manner that would not require a public hearing. This is often an issue because SJCOG adopts the fees late in the calendar year and the new fees must be adopted by the cities and put into effect at the beginning of January. If the City Council is interested in this change of procedure, staff can bring a suggested change in the ordinance language back to the CC as a separate item at some later date. This would have no effect on the recommended adoption of the 2009 fees.

**FISCAL IMPACT:** No fiscal impact on the City.

**FUNDING AVAILABLE:** None required

A handwritten signature in black ink, appearing to read 'Rad Bartlam', is written over a horizontal line. The signature is stylized and somewhat abstract.

Rad Bartlam, Interim Community Development Director

**Attachments:** 1) Staff Report from SJCOG w/Fee Analysis Update summary  
2) 2009 Fee schedule

RB/dm/kjc

# Staff Report

**SUBJECT:** 2009 SJMSCP Development Fees

**RECOMMENDED ACTION:** Motion to Approve the 2009 SJMSCP Development Fees as Adjusted Pursuant to Land Sale Comparables and Consumer Price Index

**SUMMARY:**

In accordance with the SJMSCP and the new financial analysis model adopted by the SJCOG, Inc. Board in late 2006, SJCOG, Inc. staff shall notify each local jurisdiction regarding proposed annual adjustments to the SJMSCP development fees. The development fees are calculated using a formula method which will be adjusted annually as shown in the table below [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)]. Each component of the formula is adjusted using a specific mechanism which relates to the individual component in the fees. The development fees established must be adopted by each of the jurisdiction and would become effective on January 1<sup>st</sup> of the subsequent year for projects using the SJMSCP.

**2009 SJMSCP Development Fees**

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
<b>Open Space</b>	\$4,804.56	\$1,437.45	\$810.39	\$7,052.10	<b>\$7,052</b>
<b>AG/Natural</b>	\$9,608.52	\$2,874.89	\$1,620.78	\$14,104.19	<b>\$14,104</b>
<b>Vernal Pool (grasslands)</b>	\$34,092.20	\$541.39	\$5,931.34	\$40,564.93	<b>\$40,565</b>
<b>Vernal Pool (wetted)</b>	\$34,092.20	\$38,329.60	\$5,931.34	\$78,353.14	<b>\$78,353</b>

**DISCUSSION:**

**Category A (acquisition) - Comparables**

This category is directly related to land valuation based on comparables which occur in specific zones of the plan. This category is evaluated on a yearly basis by taking all qualified comparables in each zone, including SJCOG, Inc. easements, to set a weighted cost per acre using the same methodology as in the Financial Analysis Update in 2006 created by EPS. The SJCOG, Inc. easements are evaluated using the appraised value of the property in the before condition to be included with the fee title sales of other property occurring in San Joaquin County meeting specific criteria below (Tables A, B, C attached). The

final weighted cost per acre of each zone is calculated into a blended rate under Category A (acquisition) figure for each habitat type (Tables A-D) in attachment 1.

The criteria to determine valid comparables used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
2. Sales not less than 40 acres
3. Sales not greater than 500 acres
4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
5. Must be land which would fulfill mitigation under the plan
6. Not greater than 2 years old from the date of June 30<sup>th</sup> of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.

The calculation results in an increase to the Agricultural/Natural Habitat type of Category A (acquisition) component to be **\$9,608.52**.

#### ***Category B (assessment & enhancement) - Consumer Price Index***

This category is a straight forward use of an average of the California Consumer Price Index (CPI) calculator, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation was an increase of **5.02%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category B (Assessment & Enhancement) component to be **\$2,874.89**.

#### ***Category C (management & administration) - Consumer Price Index***

This category is a straight forward use of an average of the California Consumer Price Index (CPI) calculator, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation was an increase of **5.02%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category C (Management & Administration) component to be **\$1,620.78**.

SJCOG, Inc. staff calculated the fees using the SJMSCP Financial Analysis formula model [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)] which is shown in Table 1-9 in attachment 2. The overall result in the calculations was an increase in the fees from the 2008 to the 2009 shown in the table below.

**2009 SJMSCP Development Fees**

<b>Habitat Type</b>	<b>Category A</b>	<b>Category B</b>	<b>Category C</b>	<b>Total Fee</b>	<b>Rounded Fee*</b>
<b>Open Space</b>	\$4,804.56	\$1,437.45	\$810.39	\$7,052.10	<b>\$7,052</b>
<b>AG/Natural</b>	\$9,608.52	\$2,874.89	\$1,620.78	\$14,104.19	<b>\$14,104</b>
<b>Vernal Pool (grasslands)</b>	\$34,092.20	\$541.39	\$5,931.34	\$40,564.93	<b>\$40,565</b>
<b>Vernal Pool (wetted)</b>	\$34,092.20	\$38,329.60	\$5,931.34	\$78,353.14	<b>\$78,353</b>

*2008 SJMSCP Development Fees*

<i>Habitat Type</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Total Fee</i>	<i>Rounded Fee*</i>
<i>Open Space</i>	\$4,024.17	\$1,368.73	\$771.65	\$6,164.55	\$6,165
<i>AG/Natural</i>	\$8,048.33	\$2,737.47	\$1,543.30	\$12,329.11	\$12,329
<i>Vernal Pool (grasslands)</i>	\$28,980.00	\$515.51	\$5,647.82	\$35,143.33	\$35,143
<i>Vernal Pool (wetted)</i>	\$28,980.00	\$36,497.43	\$5,647.82	\$71,125.25	\$71,125

**RECOMMENDATION:**

HTAC and staff recommend the SJCOG, Inc. Board adopt the 2009 SJMSCP Development Fees. SJCOG, Inc. staff will work with jurisdictions to adopt the new 2009 fee for the January 1<sup>st</sup> effective date.

*Prepared by: Steve Mayo, Senior Habitat Planner*  
*M:\STAFFRPT\2008\September\Board\2009 SJMSCP Development Fees*

Table A. **Central Zone Properties**

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Habitat Type	Appreciated Price	Appreciated Price/Acre
17310 N Tully Road, Lodi, CA	053-070-03	Central	08/03/2006	\$2,200,000.00	60.00	\$36,666.67	C34	\$2,603,333.33	\$43,388.89
14664 E Liberty Rd, Galt, CA	021-020-33	Central	08/21/2006	\$740,000.00	40.00	\$18,500.00	C34	\$875,666.67	\$21,891.67
33000 S Bevis Rd, Tracy, CA	255-090-54	Central	09/29/2006	\$907,500.00	42.54	\$21,332.86	C34	\$1,066,312.50	\$25,066.11
19292 E Avena Road, Escalon, CA	205-050-14	Central	10/06/2006	\$1,200,000.00	90.90	\$13,201.32	C34	\$1,400,000.00	\$15,401.54
29043 S Lehman Rd, Tracy, CA	253-330-11	Central	01/31/2007	\$900,000.00	40.07	\$22,460.69	C34	\$1,027,500.00	\$25,642.63
26618 N Lower Sacramento Rd, Galt, CA	005-030-07	Central	02/28/2007	\$1,614,000.00	79.00	\$20,430.38	C34	\$1,829,200.00	\$23,154.43
26026 Kasson Road, Tracy, CA	239-230-03	Central	03/23/2007	\$2,328,840.00	258.76	\$9,000.00	C34	\$2,619,945.00	\$10,125.00
25647 S Bird Road, Tracy, CA	250-230-03	Central	05/29/2007	\$937,000.00	40.00	\$23,425.00	C34	\$1,038,508.33	\$25,962.71
8074 W. Delta Ave, Tracy, CA	213-020-11	Central	06/11/2007	\$1,700,000.00	98.08	\$17,332.79	C34	\$1,870,000.00	\$19,066.07
18813 W Brandt Rd, Lodi, CA	019-200-25	Central	07/02/2007	\$1,450,000.00	40.00	\$36,250.00	C34	\$1,582,916.67	\$39,572.92
10 W Lorenzen Rd, Tracy, CA	239-140-04	Central	08/08/2007	\$675,000.00	71.60	\$9,427.37	C34	\$731,250.00	\$10,212.99
9898 S Jack Tone Road, Stockton, CA	203-020-02	Central	09/26/2007	\$758,000.00	49.18	\$15,412.77	C34	\$814,850.00	\$16,568.73
19298 S Alder Ave, Tracy, CA	213-190-02	Central	09/27/2007	\$1,125,000.00	97.67	\$11,518.38	C34	\$1,209,375.00	\$12,382.26
1000 E Critchett Rd, Tracy, CA	241-110-33	Central	10/23/2007	\$1,250,000.00	41.43	\$30,171.37	C34	\$1,333,333.33	\$32,182.80
3750 W Tredway Road, Lodi, CA	055-180-04	Central	02/04/2008	\$532,500.00	196.12	\$2,715.17	C34	\$550,250.00	\$2,805.68
16499 E State Route 88, Lockeford, CA	019-170-23	Central	03/07/2008	\$1,397,000.00	91.83	\$15,212.89	C34	\$1,431,925.00	\$15,593.22
16751 N Clements Rd, Lodi, CA	053-170-14	Central	03/17/2008	\$1,397,000.00	80.00	\$17,462.50	C34	\$1,431,925.00	\$17,899.06
627 W Vernalis Rd, Tracy, CA	255-160-28	Central	04/18/2008	\$1,475,000.00	52.22	\$28,245.88	C34	\$1,499,583.33	\$28,716.65
15757 E Sargent Rd, Lodi, CA	053-070-06	Central	06/02/2008	\$4,500,000.00	198.50	\$22,670.03	C34	\$4,500,000.00	\$22,670.03
<b>Machado Property*</b>		Central	07/31/2006	\$1,040,000.00	206.04	\$5,047.56	C34	\$1,239,333.33	\$6,015.01
<b>Beck Property*</b>		Central	08/22/2006	\$2,856,000.00	204.00	\$14,000.00	C34	\$3,379,600.00	\$16,566.67
<b>Nakagawa Property*</b>		Central	01/11/2008	\$4,078,500.00	331.67	\$12,296.86	C34	\$4,248,437.50	\$12,809.23
<b>Seegers Property*</b>		Central	11/30/2007	\$843,100.00	84.31	\$10,000.00	C34	\$892,280.83	\$10,583.33
<b>Hilder Property*</b>		Central	01/11/2008	\$14,074,500.00	1279.50	\$11,000.00	C34	\$14,660,937.50	\$11,458.33
* SJCOG, Inc. Preserves			<b>TOTAL</b>	<b>\$44,931,440.00</b>	<b>3539.98</b>	<b>\$12,692.57</b>		<b>\$47,891,150.83</b>	<b>\$13,528.65</b>

Table B. **Delta Properties**

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Habitat Type	Appreciated Price	Appreciated Price/Acre
6808 S Borba Road, Stockton, CA	162-060-10	Delta	10/13/2006	\$280,000.00	40	\$7,000.00	C34	\$326,666.48	\$8,166.66
			<b>TOTAL</b>	<b>\$280,000.00</b>	<b>40</b>	<b>\$7,000.00</b>		<b>\$326,666.48</b>	<b>\$8,166.66</b>

Table C. **Southwest Zone Properties**

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Habitat Type	Appreciated Price	Appreciated Price/Acre
18550 W Corral Hollow Road, Tracy, CA	263-200-17	SW	11/20/2007	\$200,001.60	240	\$833.34	G	\$211,668.31	\$881.95
<b>Elworthy/Bogetti Property*</b>		SW	09/29/2006	\$790,000.00	790	\$1,000.00	G	\$928,249.45	\$1,175.00
<b>Elworthy/McDonald/Bogetti Property*</b>		SW	05/17/2007	\$2,170,000.00	2170	\$1,000.00	G	\$2,405,082.39	\$1,108.33
* SJCOG, Inc. Preserves			<b>TOTAL</b>	<b>\$3,160,001.60</b>	<b>3200</b>	<b>\$987.50</b>		<b>\$3,545,000.15</b>	<b>\$1,107.81</b>

Table D. **Encumbered Properties\***

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Habitat Type	Appreciated Price	Appreciated Price/Acre
Caffese Trust / Leventini		Delta	10/17/2003	\$550,000.00	179.91	\$3,057.08	C34	\$627,000.00	\$3,485.08
Rurup Trust / Supprenant		Delta	01/09/2004	\$425,000.00	195	\$2,179.49	C34	\$481,312.50	\$2,468.27
Hammer Trust / Morais		Delta	06/25/2004	\$854,000.00	388.89	\$2,195.99	C34	\$956,480.00	\$2,459.51
Nature Conservancy		Delta	07/22/2004	\$658,000.00	328.8	\$2,001.22	C34	\$735,315.00	\$2,236.36
Heritage Land Co. / Olagaray Bros PTP		Delta	04/13/2005	\$712,000.00	215.64	\$3,301.80	C34	\$779,640.00	\$3,615.47
<b>Wing Levee Property**</b>		Delta	11/09/2007	\$2,200,000.00	361.27	\$6,089.63	C34	\$2,238,500.00	\$6,196.20
*10 comparables required			<b>TOTAL</b>	<b>\$5,399,000.00</b>	<b>1,669.51</b>	<b>\$3,233.88</b>		<b>\$5,818,247.50</b>	<b>\$3,485.00</b>

\*\* SJCOG, Inc. Preserve

2009 Fees	Acquisition Costs	Assessment & Enhancement	Management and Administration	Total	Total Rounded
Other Open Space	\$4,804.26	\$1,437.45	\$810.39	\$7,052.10	\$7,052
Natural/Ag Lands	\$9,608.52	\$2,874.89	\$1,620.78	\$14,104.19	\$14,104
Vernal Pool Grasslands	\$34,092.20	\$541.39	\$5,931.34	\$40,564.93	\$40,565
Vernal Pool Wetted	\$34,092.20	\$38,329.60	\$5,931.34	\$78,353.14	\$78,353

Calculations:

Table 1 Per-Acre Land Value Summary  
SJMSCP 2009 Fee Evaluation

Land Use		Central Zone	Primary Zone of the Delta	Southwest Zone
Fee Title	a*	\$13,529	\$8,167	\$1,500
Row Crops/Grazing	b**	\$3,485	\$3,235	\$500
Easement Costs	a-b	\$10,044	\$4,932	\$1,000

\*based off of 6/30/06-6/30/08 Applicable Ag Sale Comparables (Table A & B)

Zone is \$250 lower than that of the Central Zone Based on lower market rents for row crop land.

Table 2 Per Acre Acquisition Cost Summary

SJMSCP 2009 Fee Evaluation		SJMSCP Zone			Total Weighted Acquisition Cost A+B+C
Land Use Category		Central Zone A	Primary Zone of the Delta B	Southwest Zone C	
Easement Cost by Zone (1)	d	\$10,044	\$4,932	\$1,000	
<b>Natural Lands</b>					
Riparian					
Percent in Zone (2)	e	89%	11%	0%	
Weighted Costs (3)	d*e	\$8,938.85	\$542.48	\$0.00	\$9,481.33
<b>Delta Submerged Aquatic</b>					
Percent in Zone (2)	f	0%	100%	0%	
Weighted Costs (3)	d*f	\$0	\$4,932	\$0	\$4,932
<b>Other Water's Edge</b>					
Percent in Zone (2)	g	100%	0%	0%	
Weighted Costs (3)	d*g	\$10,044	\$0	\$0	\$10,044
<b>Southwest Grasslands</b>					
Percent in Zone (2)	h	0%	0%	100%	
Weighted Costs (3)	d*h	\$0	\$0	\$1,000	\$1,000
Vernal Pool Wetted (4)		n/a	n/a	n/a	\$10,823
Vernal Pool Grasslands (4)		n/a	n/a	n/a	\$10,823
<b>Agricultural Lands</b>					
Percent in Zone (2)	i	97%	3%	0%	
Weighted Costs (3)	d*i	\$9,742.34	\$147.95	\$0.00	\$9,890.29

(1) See Table 2.

(2) Percent of total lands in each category assumed to be in a given zone. Based on 1996 Economic Analysis

(3) Weighted average cost based on proportion of total land in each zone. Assumes easement acquisition for lands categorized as agriculture, riparian, delta submerged, other's waters edge, and southwest grasslands.

(4) Assumes fee title acquisition for vernal pool lands. Vernal pools fee title land costs assumed to be about 80% of average Central Zone fee title costs.

Table 3 Total Acquisition Costs

SJMSCP 2009 Fee Evaluation

Preserve Types	Cost per Acre (1)	Transaction Costs (2) 5%	Total Land Acquisition Costs
Agricultural Lands	\$9,890.29	\$494.51	\$10,384.80
Natural Lands			
Riparian	\$9,481.33	\$474.07	\$9,955.39
Delta Submerged Aquatic	\$4,931.66	\$246.58	\$5,178.24
Other Water's Edge	\$10,043.65	\$502.18	\$10,545.83
Southwest Grasslands	\$1,000.00	\$50.00	\$1,050.00
Vernal Pool Wetted	\$10,822.92	\$541.15	\$11,364.07
Vernal Pool Grasslands	\$10,822.92	\$541.15	\$11,364.07

(1) See Table 3. Assumes easement purchases in all cases except fee title purchases for vernal pool lands.

(2) Transaction costs include biological baseline, appraisal, escrow, and survey costs.

Table 4 Total Per-Acre Costs

SJMSCP 2009 Fee Evaluation

Preserve Type	Land Acquisition	% of Total Preserve Lands	Total Preserve Acres	Total Costs of Acquisition
Agricultural Lands	\$10,384.80	57%	57,635	\$598,528,049.20
Natural Lands				
Riparian	\$9,955.39	19%	19,185	\$190,994,248.36
Delta	\$5,178.24	0%	10	\$51,782.42
Other Water's Edge	\$10,545.83	2%	1,584	\$16,704,593.74
Southwest Grasslands	\$1,050.00	4%	4,146	\$4,353,300.00
Average of Natural/Ag Lands	\$9,818.70	82%	82,560	\$810,631,973.72
Vernal Pool Wetted	\$11,364.07	2%	354	\$4,022,879.40
Vernal Pool Grasslands	\$11,364.07	16%	17328	\$196,916,537.32

Table 5 Total Preserve Costs, Breakdown by Category

SJMSCP 2009 Fee Evaluation

Preserve Type	Total Preserve Acres	Acquisition Costs	
		Per Acre	Total
Vernal Pool Wetted	2,121	\$11,364.07	\$24,103,184.19
Vernal Pool Grasslands	15,561	\$11,364.07	\$176,836,232.53
Nat/Ag Lands	82,860	\$9,818.70	\$813,577,584.09
<b>Total</b>	<b>100,542</b>		<b>\$1,014,517,000.81</b>

Table 6 Vernal Pool Surface and Grasslands / Acquisition Component

SJMSCP 2009 Fee Evaluation

Preserve Type	Acres Converted	Acquisition Costs
<b>Vernal Pool Wetted</b>	707	
Total Cost		\$24,103,184.19
Fee per Acre		\$34,092.20
<b>Vernal Pool Grasslands</b>	5,187	
Total Cost		\$176,836,232.53
Fee per Acre		\$34,092.20

Table 7 Nat/Ag Land and Open Space / Acquisition Component

SJMSCP 2009 Fee Evaluation

Preserve Type	Land Acquisition		Total
	Land Acquisition	Transaction	
Cost associated with Nat/Ag Lands Conversion	\$772,898,704.89	\$40,678,879.20	\$813,577,584.09
Nat/Ag Land Conversion	65,940	65,940	65,940
Other Open Space Conversion	37,465	37,465	37,465
Multiplier for Nat/Ag Land Conversion	1	1	1
Multiplier for Other Open Space	0.5	0.5	0.5
<b>Land Acquisition Component of Nat/Ag Lands Fee</b>	<b>\$9,128.10</b>	<b>\$480.43</b>	<b>\$9,608.52</b>

Table 8 Cat B & C Fee Component Calcs

SJMSCP 2009 Fee Evaluation

Fee	CPI 6/07-6/08		5.02%
	% of Land Preser.	Assessment & Enhancement B	Management and Administration C
Other Open Space		\$1,437.45	\$810.39
Natural/Ag Lands	82%	\$2,874.89	\$1,620.78
Vernal Pool Grasslands	16%	\$541.39	\$5,931.34
Vernal Pool Wetted	2%	\$38,329.60	\$5,931.34

RESOLUTION NO. 2008-213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT  
CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEE

=====

WHEREAS, the City Council of the City of Lodi adopted an ordinance establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Lodi; and

WHEREAS, a "Fee Study" dated July 16, 2001, was prepared, which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, the purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to, preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Lodi and in San Joaquin County; and

WHEREAS, after considering the Fee Study and the testimony received at the public hearing, the Lodi City Council approved said report; and further found that the future development in the City of Lodi will need to compensate cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses; and

WHEREAS, an "Updated Fee Study" dated November 2, 2006, was prepared, which analyzed and identified the costs, funding, and indexing of the SJMSCP; and

WHEREAS, the current SJMSCP Development Fee for natural lands and agricultural lands is \$12,329 an acre for the year 2008 due to annual adjustments consistent with the Updated Fee Study; and

WHEREAS, the SJMSCP Development Fees are divided into three categories: vernal pool habitat, natural land and agricultural habitat land, and multi-purpose open space conversion; and

WHEREAS, the SJMSCP Development Fees for vernal pool habitat and multi-purpose open space conversion will likewise be increased consistent with the Updated Fee Study findings for the year 2009. A table illustrating the Development Fee increases for the three categories of land is attached hereto as Exhibit "A"; and

WHEREAS, to ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually; and

WHEREAS, the fee shall now be comprised of three components: Acquisition Costs, Assessment and Enhancements, and Management and Administration. The Assessment and Enhancements and Management and Administration components shall be adjusted annually based on the Consumer Price Index (CPI). The Acquisition Cost component shall be adjusted annually based on a minimum of ten comparable agricultural sales within the previous two years. If ten acceptable comparables are not found, then the two year window will increase in three month intervals until ten acceptable comparable agricultural sales are found. The comparable agricultural sales shall meet the following criteria: over forty acres in size, but under 500 acres in size, no orchard or vineyard properties shall be included, and all comparable sales must be on land that is consistent as mitigation land under the SJMSCP. In addition, all SJCOG, Inc. transactions regardless of size or sale type will be included in the comparables; and

WHEREAS, the Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than ten days prior to the date of this Public Hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Ordinance 1701, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Ordinance 1701, the cost of land has increased in San Joaquin County; and that in order to maintain the reasonable relationship established by Ordinance 1701, it is necessary to increase the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for natural lands and agricultural land shall be \$14,104 an acre based on Table 1 in Exhibit " A and is consistent with the Updated Fee Study dated November 2,2006.
4. The Development Fee for vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit " A and attached hereto.
5. The Fee provided in this resolution shall be effective on January 1, 2009, which is at least sixty (60) days after the adoption of this resolution.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED that the City of Lodi City Council hereby approves the proposed General Plan Amendment.

Dated: November 5,2008

=====

I hereby certify that Resolution No. 2008-213 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 5, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Hansen, Johnson, Katzakian,  
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL  
City Clerk

**Exhibit A**

**2009 SJMSCP Habitat Fees**

<b>Habitat Type</b>	<b>Fee Per Acre</b>
Multi-Purpose Open Space	\$ 7,052
Natural	\$ 14,104
Agriculture	\$ 14,104
Vernal Pool - uplands	\$ 40,565
Vernal Pool - wetted	\$ 78,353



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT** PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION  
AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT  
CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR  
2009

**PUBLISH DATE:** SATURDAY, OCTOBER 18, 2008

**LEGAL AD**

**TEAR SHEETS WANTED:** One (1) please

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, OCTOBER 16, 2008

**ORDERED BY:** RANDI JOHL  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 2:20 pm (time) on 10/16/08 (date) 2 (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ CM \_\_\_\_\_ JMP (initials)



## DECLARATION OF POSTING

### **PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR 2009**

On Friday, October 17, 2008, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of a resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2009 (attached and marked as Exhibit A), was posted at the following locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: November 5, 2008

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

**EXHIBIT A**

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, November 5, 2008**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider approval of the following item:

- a) **Adoption of a resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2009.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

~~By Order~~ of the Lodi City Council:

City Clerk

**Dated: October 15, 2008**

Approved as to form:

D. Stephen Schwabauer  
City Attorney